

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEREK LEIBERT,

Defendant.

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8:15CR219

ORDER

This matter is before the court on the motion to continue by defendant Derek Leibert (Leibert) (Filing No. 16). Leibert seeks a continuance of the trial scheduled for January 4, 2016. Leibert's counsel represents Leibert will file an affidavit whereby Leibert consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Leibert's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Leibert's motion to continue trial (Filing No. 16) is granted.
2. Trial of this matter is re-scheduled for **February 22, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 18, 2015, and February 22, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 18th day of December, 2015.

BY THE COURT:
s/ Thomas D. Thalken

United States Magistrate Judge